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August 22, 2014

VIA ECS

Honorable Laura Taylor Swain, U.S.D.J.
Daniel P. Moynihan
United States District Courthouse
500 Pearl Street, Courtroom 11C
New York, New York 10007-1312

Re: In re Mission Construction
All Consolidated Actions:
Civil Action Nos.: 10 CIV 4262 (LTS)
Our File No. 120-823

Dear Judge Swain:

This office represents defendant David Smotrich & Partners, LLP Architects/Planners in these three consolidated matters. On Thursday, August 21, the parties engaged in a marathon mediation session, which I am pleased to report has resulted in a settlement in principle of all claims as between all parties to these matters. Due to the late hour a formal Memorandum of Understanding could not be signed at that time, but one is in the process of circulating today.

Confirming my conversation with your new law clerk this morning, the summary judgment motions which were filed in this matter will be held in abeyance while the formal settlement documents are worked out, filed, and the settlement consummated. We hope to have this accomplished in short order.

GOGICK, BYRNE & O'NEILL, LLP

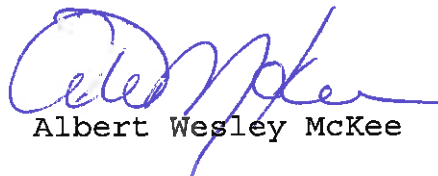
Judge Swain

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On behalf of all counsel to this litigation, our thanks to you, Magistrate Judge Pitman, and your respective staff for the numerous courtesies you have extended to us in this litigation.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Albert McKee', is written over the typed name.

Albert Wesley McKee

cc: Via email only
All counsel of record